Datatreasury Corporation v. Wells Fargo & Company et al Doc. 412

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORPORATION,	§	
	§	
Plaintiff	§	
	§	
v.	§	**Civil Action No. 2:06cv72**
	§	
WELLS FARGO & COMPANY, et al.	§	
	§	**JURY TRIAL DEMANDED**
Defendants.	§	

BANCORPSOUTH, INC. AND BANCORPSOUTH BANK'S NOTICE OF ACCEPTANCE OF STIPULATION REQUIRED FOR STAY

The Court, having considered the parties' briefing and oral argument, ordered (Docket No. 107) that this case be stayed in its entirety in light of developments in the *ex parte* reexamination initiated by First Data Corporation (hereafter "petitioner") of the patents in suit. As a required condition of the Court's stay, the Defendants BancorpSouth, Inc. and BancorpSouth Bank (collectively "BancorpSouth") hereby notify the Court that they accept the following stipulation and the concomitant stay of all proceedings:

> As a condition of the stay, Defendants may not argue invalidity at trial based on one or more prior art printed publications that were submitted by the petitioner in the reexamination proceedings. However, Defendants will be permitted to rely for obviousness on the combination of a printed publication reference that was submitted by petitioner in the reexamination with prior art that was not so submitted.

Dockets.Justia.com

Defendants further note that they will work with Plaintiff in this matter to keep the Court apprised of developments in the reexamination which may impact the ordered stay.

Dated: January 16, 2007

Respectfully submitted,

/s/ Gregory Perrone

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ATTORNEYS FOR DEFENDANTS BANCORPSOUTH, INC. AND BANCORPSOUTH BANK

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Gregory Perrone
Gregory Perrone